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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

MARIA KARLA TERRAZA, individually and
on behalf of the SAFEWAY 401(k) Plan,

Plaintiff,

vs.

SAFEWAY INC., BENEFIT PLANS
COMMITTEE SAFEWAY INC.,
and DOES 1 to 100 inclusive,

Defendants.

Case No. 3:16-cv-03994-JST

**JOINT STIPULATION TO CONTINUE
CASE DEADLINES; ~~PROPOSED~~
ORDER**

Assigned to Hon. Jon S. Tigar

Plaintiff, Maria Karla Terraza, and Defendants Safeway Inc. (“Safeway”), the Benefit Plans Committee Safeway Inc. n/k/a Albertsons Companies Retirement Benefit Plans Committee (“Benefit Plans Committee”), Peter J. Bocian, David F. Bond, Michael J. Boylan, Robert B. Dimond, Laura A. Donald, Dennis J. Dunne, Robert L. Edwards, Bradley S. Fox, Bernard L. Hardy, Russell M. Jackson, Peggy Jones, Suz-Ann Kirby, Robert Larson, Melissa C. Plaisance, Paul Rowan and Andrew J. Scoggin (the “Safeway Defendants”), as well as Defendant Aon Hewitt Investment Consulting, Inc. (“Aon” and, collectively with the Safeway Defendants, “Defendants”), through their counsel, hereby stipulate and agree that:

WHEREAS, Plaintiff filed a complaint against Safeway Inc. and the Benefits Plans Committee Safeway Inc. on July 14, 2016;

WHEREAS, Plaintiff filed an Amended Complaint on November 18, 2016 (Docket No. 37);
WHEREAS, Plaintiff filed a Second Amended Complaint on March 31, 2017 (Docket No. 72);

WHEREAS, Aon filed a motion to dismiss the Second Amended Complaint on June 22, 2017 (Docket No. 83);

WHEREAS, the Court entered an order granting in part and denying in part Aon’s motion on December 11, 2017 (Docket No. 109);

WHEREAS, the Parties have exchanged initial disclosures, engaged in written discovery, and are in the process of scheduling depositions;

WHEREAS, based on the initial disclosures and the deposition notice Plaintiff served on the Safeway Defendants, it is estimated that numerous depositions may be scheduled for mutually agreeable dates and times;

WHEREAS, additional written discovery remains to be completed, especially with respect to the large volume of electronic data Defendants have collected;

WHEREAS, although the Parties have been working diligently and cooperatively in the discovery process and in preparing this case for trial, the Parties believe that, given the number of Defendants and the scope of discovery, the current schedule does not provide adequate time to complete discovery and submit dispositive motions. The Parties therefore respectfully request that

the Court continue the case deadlines as detailed below;¹

WHEREAS, the Parties have previously made one request to extend the deadlines for completing discovery and filing dispositive motions, and the pretrial and trial dates (Dkt. 108);

WHEREAS, the Parties do not propose any change in the trial schedule or the remainder of the pretrial schedule;

NOW, THEREFORE, the Parties, through their respective counsel, hereby stipulate, subject to the approval of the Court, to the following schedule:

April 27, 2018 – Deadline to complete fact discovery

May 11, 2018 – Deadline for expert disclosures

May 30, 2018 – Deadline for expert rebuttal

June 8, 2018 – Deadline to complete expert discovery

June 21, 2018 – Deadline to file dispositive motions

IT IS SO STIPULATED.

DATED: February 16, 2018

TRUCKER ♦ HUSS

By: /s/R. Bradford Huss
R. Bradford Huss
Attorneys for Defendants
SAFEWAY INC. and SAFEWAY BENEFIT
PLANS COMMITTEE

Dated: February 16, 2018

O'MELVENY & MYERS LLP

By: /s/Randall W. Edwards
Randall W. Edwards
Attorneys for Defendant
AON HEWITT INVESTMENT CONSULTING,
INC.

Dated: February 16, 2018

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

By: /s/James E. Miller
James E. Miller
Attorneys for Plaintiff
MARIA KARLA TERRAZA, individually and on
behalf of the SAFEWAY 401(K) PLAN

¹ Counsel for the Parties have also met and conferred with counsel for Plaintiff in the *Lorenz* matter, and anticipate submitting a stipulation in that case proposing an identical modification of the schedule in that case.

I attest that my firm has obtained concurrence in the filing of this document from James E. Miller and Randall W. Edwards.

DATED: February 16, 2018

TRUCKER ♦ HUSS

By: /s/R. Bradford Huss
R. Bradford Huss
Attorneys for Defendants
SAFEWAY INC. and BENEFIT PLANS
COMMITTEE SAFEWAY INC.

~~[PROPOSED]~~ ORDER

Good cause exists for an order continuing the deadlines for completing fact and expert discovery, including submitting expert disclosures and rebuttals, and filing dispositive motions to the following dates:

April 27, 2018 – Deadline to complete fact discovery

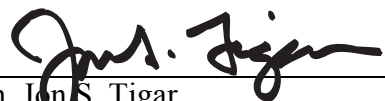
May 11, 2018 – Deadline for expert disclosures

May 30, 2018 – Deadline for expert rebuttal

June 8, 2018 – Deadline to complete expert discovery

June 21, 2018 – Deadline to file dispositive motions

DATED: February 20, 2018


Hon. Jon S. Tigar
United States District